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Confirmation No. 9556

PATENTIN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	VAASSEN	Examiner:	Dinh, P.
Serial No.:	10/559,913	Group Art Unit:	2825
Filed:	December 7, 2005	Docket No.:	NL030686US1 (NXPS.459PA)
Title:	INTEGRATED CIRCUIT		

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence and the papers, as described hereinabove, are being transmitted via facsimile-Formal Entry, to the attention of the Examiner at Commissioner for Patents, MAIL APPEAL BRIEFS, P.O. Box 1450, Alexandria, VA 22313-1450, on March 15, 2010

Facsimile No.: 571 273-8300

By: Kelly J. Davis

Kelly J. Davis

APPEAL BRIEF

Mail Stop Appeal Brief-Patents
Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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Dear Sir:

This Appeal Brief is submitted pursuant to 37 C.F.R. §41.37, in support of the Notice of Appeal filed January 14, 2010 and in response to the rejections of claims 1-20 as set forth in the Final Office Action dated October 5, 2009.

Please charge Deposit Account No. 50-4019 (NL030686US1) \$540.00 for filing this brief in support of an appeal as set forth in 37 C.F.R. §1.17(c). If necessary, authority is given to charge/credit Deposit Account 50-0996 additional fees/overages in support of this filing.

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I. Real Party In Interest

The real party in interest is NXP Semiconductors. The application is presently assigned of record, at reel/frame nos. 021085/0959 to NXP, B.V., headquartered in Eindhoven, the Netherlands.

II. Related Appeals and Interferences

While Appellant is aware of other pending applications owned by the above-identified Assignee, Appellant is unaware of any related appeals, interferences or judicial proceedings that would have a bearing on the Board's decision in the instant appeal.

III. Status of Claims

Claims 1-20 stand rejected and are presented for appeal. A complete listing of the claims under appeal is provided in an Appendix to this Brief.

IV. Status of Amendments

No amendments have been filed subsequent to the Final Office Action dated October 5, 2009.

V. Summary of Claimed Subject Matter

As required by 37 C.F.R. § 41.37(c)(1)(v), a concise explanation of the subject matter defined in the independent claims involved in the appeal is provided herein. Appellant notes that representative subject matter is identified for these claims; however, the abundance of supporting subject matter in the application prohibits identifying all textual and diagrammatic references to each claimed recitation. Appellant thus submits that other application subject matter, which supports the claims but is not specifically identified above, may be found elsewhere in the application. Appellant further notes that this summary does not provide an exhaustive or exclusive view of the present subject matter, and Appellant refers to the appended claims and their legal equivalents for a complete statement of the invention.

Commensurate with independent claim 1, an example embodiment of the present invention is directed to an integrated circuit having a power distribution network (*see, e.g.*, integrated circuit 51 shown in Fig. 3 and page 4:10-11), the power distribution network

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comprising: a power bus and a ground bus (*see, e.g.*, power bus 67, 69 and ground bus 71, 73 shown in Fig. 3 and page 4:14-16) for supplying power from respective power and ground pads (*see, e.g.*, power pad 53 and ground pad 54 shown in Fig. 3 and page 4:11-14) to a plurality of circuit elements on the integrated circuit (*see, e.g.*, circuit elements 61a, 61b and 63 shown in Fig. 3 and page 4:15-16); and a plurality of decoupling cells for providing a static current flow between the power pad and the ground pad (*see, e.g.*, decoupling cells 65 shown in Fig. 3 and page 4:16-18), and wherein the power distribution network is configured such that each given circuit element on the integrated circuit is arranged with a combined distance equal to a sum of a length of the power bus connected between the power pad and said circuit element plus a length of the ground bus connected between the ground pad and said circuit element, and each of the combined distances being equal (*see, e.g.*, page 4:27-34).

Commensurate with independent claim 14, an example embodiment of the present invention is directed to, for supplying power to a plurality of circuit elements (*see, e.g.*, circuit elements 61a, 61b and 63 shown in Fig. 3 and page 4:15-16) on an integrated circuit (*see, e.g.*, integrated circuit 51 shown in Fig. 3 and page 4:10-11), a power distribution network comprising: a power pad (*see, e.g.*, power pad 53 shown in Fig. 3 and page 4:11-14); a ground pad (*see, e.g.*, ground pad 54 shown in Fig. 3 and page 4:11-14); a network of conductors to connect the power pad and the ground pad to each of the plurality of circuit elements (*see, e.g.*, power bus 67, 69 and ground bus 71, 73 shown in Fig. 3 and page 4:14-16); and a plurality of decoupling cells for providing a static current flow between the power pad and the ground pad (*see, e.g.*, decoupling cells 65 shown in Fig. 3 and page 4:16-18), and wherein each given circuit element is arranged with a combined distance equal to a sum of a length of the conductors connected between the power pad and said circuit element plus a length of the conductors connected between the ground pad and said circuit element, and each of the combined distances being equal (*see, e.g.*, page 4:27-34).

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VI. Grounds of Rejection to be Reviewed Upon Appeal

The objections and grounds of rejection to be reviewed on appeal are as follows:

- A. Claims 1-20 stand rejected under 35 U.S.C. § 103(a) over Seefeldt (U.S. Patent No. 4,978,633) in view of at least one of Hirakimoto (U.S. Patent Pub. 2004/0031007 and Nassif (U.S. Patent Pub. 2004/0073881).
- B. Claims 1-20 stand rejected under 35 U.S.C. § 103(a) over Pryor (U.S. Patent No. 4,612,618) in view of at least one of Hirakimoto and Nassif.

VII. Argument

A. The § 103(a) Rejection Of Claims 1-20 Based On The '633 Reference Is Improper Because The Reference Does Not Correspond To The Claimed Invention.

1. The Examiner Fails To Establish Correspondence To The Claimed Invention And The Rejection Is Improperly Based On Alleged Correspondence To Appellant's Disclosure.

The '633 reference, either alone or in combination, does not teach the claimed invention "as a whole" (§ 103(a)) including, *e.g.*, that the combined distance of the lengths of the conductors between the circuit element and the power and ground pads is the same for each of the circuit elements. The Examiner has failed to establish that the '633 reference teaches such aspects of the claimed invention, and instead the rejection is improperly based on alleged correspondence between the '633 reference and Appellant's disclosure.

Moreover, even the Examiner's improper allegations of correspondence between the '633 reference and Appellant's disclosure are based on mere conclusions that are unsupported by any evidence of record. As such, the § 103(a) rejection necessarily fails.

More specifically, the '633 reference does not teach that the combined distance of the lengths of power supply buses 73 and 77 (*i.e.*, the asserted power and ground buses) between cells 61-65 (*i.e.*, the asserted circuit elements) and pads 71 and 75 (*i.e.*, the asserted power and ground pads) is the same for each of the cells 61-65. *See, e.g.*, Figure 3. The rejection is based solely on the Examiner's unsupported conclusion that the combined distances between each of the cells 61-65 and the pads 71 and 75 are equal "due to complementary factor" that is allegedly shown in Figure 3 of the '633 reference (*see, e.g.*, page 6 of the Office Action dated October 5, 2009). The discussion of Fig. 3 in the '633 reference, however, does not teach or suggest that the combined distances between each of the cells 61-65 and the pads 71

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and 75 are equal. *See, e.g.*, Col. 4:20 to Col. 5:23. The '633 reference also does not make any mention of the "complementary factor" or a "symmetrical" power distribution layout as discussed by the Examiner (*see, e.g.*, pages 15-16 of the Office Action dated October 5, 2009). Appellant notes that symmetry in and of itself does not establish correspondence to the claimed invention. For example, the Examiner has not established that the allegedly "symmetrical" power distribution layout would (necessarily) result in an equal distance network as claimed. Appellant notes that the '007 and '881 references are not alleged by the Examiner to address the above discussed deficiencies of the '633 reference. As such, the cited combination does not correspond to the claimed invention.

Appellant has previously explained in detail the lack of correspondence between the claimed invention and the cited '633 reference. In response thereto, the Examiner has improperly relied upon alleged correspondence between the '633 reference and Appellant's Fig. 3, while failing to address the actual claim limitations as required. In particular, the Examiner's assertion that "the power distribution layout is symmetrical" in the '633 reference and that this symmetrical layout corresponds to "the power distribution layout in fig.3 of the instant Application" is improper because the claimed invention does not recite a symmetrical power distribution layout (*see, e.g.*, page 14 of the Office Action dated October 5, 2009). In fact, the word symmetrical is not found in Appellant's claims. As such, the Examiner has improperly used the alleged correspondence between Appellant's Fig. 3 and the '633 reference as the basis for the rejection of Appellant's claims. Appellant respectfully submits that, as with the alleged "complementary factor" of the '633 reference, the alleged "symmetrical" power distribution layout of the '633 reference is an interpretation by the Examiner based solely upon Fig. 3 of the '633 reference and which is unsupported by the remainder of the '633 reference (*e.g.*, the '633 reference does not mention the word symmetrical). Thus, the record is clear that the '633 reference does not correspond to the claimed invention.

Moreover, the Examiner's reliance upon an allegedly "symmetrical" power distribution layout in the '633 reference is further improper because the '633 reference does not teach that Fig. 3 is drawn to scale. The Examiner has misinterpreted Appellant's previous arguments with regard to the '633 reference not teaching that the relied upon Fig. 3

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is drawn to scale. The fact that the '633 reference does not indicate that Fig. 3 is drawn to scale is further evidence that the '633 reference does not support the Examiner's conclusions with regard to "complementary factor" and "symmetrical" power distribution layout and that such conclusions are improperly based solely on the relied upon Fig. 3 of the '633 reference. Thus, Appellant submits that the record is clear with regard to the § 103(a) rejection being improperly based on unsupported conclusions and mere possibilities in direct violation of the M.P.E.P. and relevant law.

In view of the above, the § 103(a) rejection claims 1-20 based on the '633 reference is improper and Appellant requests that it be reversed.

2. The '633 Reference Does Not Inherently Correspond To The Claimed Invention.

The '633 reference, either alone or in combination, does not teach the claimed invention "as a whole" (§ 103(a)) including, *e.g.*, that the combined distance of the lengths of the conductors between the circuit element and the power and ground pads is the same for each of the circuit elements. At best, the Examiner has presented a theory of inherency based on the Examiner's assertion of "complementary factor" and "symmetrical" power distribution layout alleged to be present in the relied upon Fig. 3 of the '633 reference. However, such a rejection would be improperly based on mere possibilities in violation of the M.P.E.P. and relevant law. To establish inherency, the extrinsic evidence "must make clear that the missing descriptive matter is *necessarily present in the thing described in the reference*, and that it would be so recognized by persons of ordinary skill." *Continental Can Co. v. Monsanto Co.*, 948 F.2d 1264, 1268 (Fed. Cir. 1991) (emphasis added). "Inherency, however, may not be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient." *See, also* M.P.E.P. § 2112.

In this instance, Appellant submits that it is impossible to determine whether the combined distances of the conductors between each of the cells 61-65 (*i.e.*, the asserted circuit elements) and the pads 71 and 75 (*i.e.*, the asserted power and ground pads) are equal based solely on Fig. 3 because Fig. 3 does not provide any detail regarding exactly

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where/how the power tracks 81-84 (which connect to buses 73 and 77) are connected to the cells 61-65 and because the '633 reference does not teach that Fig. 3 is drawn to scale. Appellant submits that the power tracks 81-84 could connect to the cells 61-65 in a manner that results in the combined distance of the lengths of power supply buses 73 and 77 being different for different ones of the cells 61-65. For example, the asserted conductors of the '633 reference could connect to different ones of the asserted circuit elements of the '633 reference at different locations thereby resulting in combined distances that are not the same for each of the asserted circuit elements. As such, there is no inherent correspondence to the claimed invention. Accordingly, the rejection is improperly based on the Examiner's unsupported assertions regarding the alleged teachings of the '633 reference and the mere possibility that the combined distances of the conductors between each of the cells 61-65 and the pads 71 and 75 could be equal. Appellant notes that the '007 and '881 references are not alleged by the Examiner to address the above discussed deficiencies of the '633 reference. As such, the cited combination does not correspond to the claimed invention.

In view of the above, the § 103(a) rejection claims 1-20 based on the '633 reference is improper and Appellant requests that it be reversed.

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**B. The § 103(a) Rejection Of Claims 1-20 Based On
The '618 Reference Is Improper Because The Reference
Does Not Correspond To The Claimed Invention.**

**1. The Examiner Fails To Establish Correspondence To The
Claimed Invention And The Rejection Is Improperly Based
On Alleged Correspondence To Appellant's Disclosure.**

The '618 reference, either alone or in combination, does not teach the claimed invention "as a whole" (§ 103(a)) including, e.g., that the combined distance of the lengths of the conductors between the circuit element and the power and ground pads is the same for each of the circuit elements. The Examiner has failed to establish that the '618 reference teaches such aspects of the claimed invention, and instead the rejection is improperly based on alleged correspondence between the '618 reference and Appellant's disclosure. Moreover, even the Examiner's improper allegations of correspondence between the '618 reference and Appellant's disclosure are based on mere conclusions that are unsupported by any evidence of record. As such, the § 103(a) rejection necessarily fails.

More specifically, the '618 reference does not teach that the combined distance of the lengths of power supply buses 122 and 124 (*i.e.*, the asserted power and ground buses) between cells 10 (*i.e.*, the asserted circuit elements) and pads 122P and 124P (*i.e.*, the asserted power and ground pads) is the same for each of the cells 10. *See, e.g.*, Figure 3. The rejection is based solely on the Examiner's unsupported conclusion that the combined distances between each of the cells 10 and the pads 122P and 124P are equal "due to complementary factor" and the "symmetrical" power distribution layout that is allegedly shown in Fig. 3 of the '618 reference (*see, e.g.*, page 10 of the Office Action dated October 5, 2009). The discussion of Fig. 3 in the '618 reference, however, does not teach or suggest that the combined distances of the conductors between each of the cells 10 and the pads 122P and 124P are equal. *See, e.g.*, Col. 4:33 to Col. 5:14. The '618 reference also does not make any mention of the "complementary factor" or the "symmetrical" power distribution layout discussed by the Examiner (*see, e.g.*, page 14 of the Office Action dated October 5, 2009). Appellant notes that symmetry in and of itself does not establish correspondence to the claimed invention. For example, the Examiner has not established that the allegedly "symmetrical" power distribution layout would (necessarily) result in an equal distance network as claimed. Appellant notes that the '007 and '881 references are not alleged by the

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Examiner to address the above discussed deficiencies of the '618 reference. As such, the cited combination does not correspond to the claimed invention.

Appellant has previously explained in detail the lack of correspondence between the claimed invention and the cited '618 reference. In response thereto, the Examiner has improperly relied upon alleged correspondence between the '618 reference and Appellant's Fig. 3, while failing to address the actual claim limitations as required. In particular, the Examiner's assertion that "the power distribution layout is symmetrical" in the '618 reference and that this symmetrical layout corresponds to "the power distribution layout in fig.3 of the instant Application" is improper because the claimed invention does not recite a symmetrical power distribution layout (*see, e.g.*, page 14 of the Office Action dated October 5, 2009). In fact, the word symmetrical is not found in Appellant's claims. As such, the Examiner has improperly used the alleged correspondence between Appellant's Fig. 3 and the '618 reference as the basis for the rejection of Appellant's claims. Appellant respectfully submits that, as with the alleged "complementary factor" of the '618 reference, the alleged "symmetrical" power distribution layout of the '618 reference is an interpretation by the Examiner based solely upon the Fig. 3 of the '618 references and which is unsupported by the remainder of the '618 reference (*e.g.*, the '618 reference does not mention the word symmetrical). Thus, the record is clear that the '618 reference does not correspond to the claimed invention.

Moreover, the Examiner's reliance upon an allegedly "symmetrical" power distribution layout in the '618 reference is further improper because the '618 reference does not teach that Fig. 3 is drawn to scale. The Examiner has misinterpreted Appellant's previous arguments with regard to the '618 reference not teaching that the relied upon Fig. 3 is drawn to scale. The fact that the '618 reference does not indicate that Fig. 3 is drawn to scale is further evidence that the '618 reference does not support the Examiner's conclusions with regard to "complementary factor" and "symmetrical" power distribution layout and that such conclusions are improperly based solely on the relied upon Fig. 3 of the '618 reference. Thus, Appellant submits that the record is clear with regard to the § 103(a) rejection being improperly based on unsupported conclusions and mere possibilities in direct violation of the M.P.E.P. and relevant law.

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In view of the above, the § 103(a) rejection claims 1-20 based on the '618 reference is improper and Appellant requests that it be reversed.

2. The '618 Reference Does Not Inherently Correspond To The Claimed Invention.

The '618 reference, either alone or in combination, does not teach the claimed invention "as a whole" (§ 103(a)) including, e.g., that the combined distance of the lengths of the conductors between the circuit element and the power and ground pads is the same for each of the circuit elements. At best, the Examiner has presented a theory of inherency based on the Examiner's assertion of "complementary factor" and "symmetrical" power distribution layout alleged to be present in the relied upon Fig. 3 of the '618 reference. However, such a rejection would be improperly based on mere possibilities in violation of the M.P.E.P. and relevant law. To establish inherency, the extrinsic evidence "must make clear that the missing descriptive matter *is necessarily present in the thing described in the reference*, and that it would be so recognized by persons of ordinary skill." *Continental Can Co. v. Monsanto Co.*, 948 F.2d 1264, 1268 (Fed. Cir. 1991) (emphasis added). "Inherency, however, may not be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient." *See, also* M.P.E.P. § 2112.

In this instance, Appellant submits that it is impossible to determine whether the combined distances of the conductors between each of the cells 10 (*i.e.*, the asserted circuit elements) and the pads 122P and 124P (*i.e.*, the asserted power and ground pads) are equal based solely on Fig. 3 because Fig. 3 does not provide any detail regarding exactly where/how the power buses 22 and 24 (which connect to buses 122 and 124) are connected to the cells 10 and because the '618 reference does not teach that Fig. 3 is drawn to scale. Applicant submits that the power supply buses 122 and 124 could connect to the cells 10 in a manner that results in the combined distance of the lengths of power supply buses 122 and 124 being different for different ones of the cells 10. For example, the asserted conductors of the '618 reference could connect to different ones of the asserted circuit elements of the '618 reference at different locations thereby resulting in combined distances that are not the same

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for each of the asserted circuit elements. As such, there is no inherent correspondence to the claimed invention. Accordingly, the rejection is improperly based on the Examiner's unsupported assertions regarding the alleged teachings of '618 reference and the mere possibility that the combined distances of the conductors between each of the cells 10 and the pads 122P and 124P could be equal. Appellant notes that the '007 and '881 references are not alleged by the Examiner to address the above discussed deficiencies of the '618 reference. As such, the cited combination does not correspond to the claimed invention.

In view of the above, the § 103(a) rejection claims 1-20 based on the '618 reference is improper and Appellant requests that it be reversed.

VIII. Conclusion


In view of the above, Appellant submits that the rejections of claims 1-20 are improper and therefore requests reversal of the rejections as applied to the appealed claims and allowance of the entire application.

Authority to charge the undersigned's deposit account was provided on the first page of this brief.

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APPENDIX OF CLAIMS INVOLVED IN THE APPEAL
(S/N 10/559,913)

1. An integrated circuit having a power distribution network, the power distribution network comprising:

a power bus and a ground bus for supplying power from respective power and ground pads to a plurality of circuit elements on the integrated circuit; and

a plurality of decoupling cells for providing a static current flow between the power pad and the ground pad, and wherein the power distribution network is configured such that each given circuit element on the integrated circuit is arranged with a combined distance equal to a sum of a length of the power bus connected between the power pad and said circuit element plus a length of the ground bus connected between the ground pad and said circuit element, and each of the combined distances being equal.

2. An integrated circuit as claimed in claim 1, wherein the combined distances are equal for predominantly all of the circuit elements in the integrated circuit.

3. An integrated circuit as claimed in claim 1, wherein the power pad and the ground pad are arranged at diagonally opposite corners of the integrated circuit.

4. An integrated circuit as claimed in claim 1, wherein the power distribution network comprises:

a power bus comprising a vertical section connected to the power pad, and one or more horizontal sections connected to the vertical section;

a ground bus comprising a vertical section connected to the ground pad and one or more horizontal sections connected to the vertical section;

wherein the vertical section of the power bus is arranged parallel to the vertical section of the ground bus, such that the one or more horizontal sections of the power bus interleave the one or more horizontal sections of the ground bus; and

wherein one of the circuit elements is connected between horizontal sections of the power bus and ground bus and arranged with said combined distance that is equal to said

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combined distance for another one of the circuit elements that is connected between different horizontal sections of the power bus and ground bus.

5. An integrated circuit as claimed in claim 4, wherein a horizontal section of the power bus and a horizontal section of a ground bus form a row for powering one or more of the circuit elements.
6. An integrated circuit as claimed in claim 5, wherein one or more circuit elements are located between the horizontal section of the power bus and the horizontal section of the ground bus.
7. An integrated circuit as claimed in claim 1, wherein the decoupling cells include decoupling capacitors.
8. An integrated circuit as claimed in claim 7, wherein the decoupling cells are configured to be the same height as the circuit elements.
9. An integrated circuit as claimed in claim 8, wherein the decoupling cells are arranged between circuit elements on the integrated circuit.
10. An integrated circuit as claimed in claim 1, wherein the power distribution network comprises one or more smaller power distribution networks having the same configuration.
11. An integrated circuit as claimed in claim 1, wherein the power distribution network is configured to maintain the voltage drop between the power pad and each circuit element constant, relative to the voltage drop for predominantly all of the circuit elements in the integrated circuit.
12. An integrated circuit as claimed in claim 1, wherein the decoupling cells are configured to maintain the voltage drop between the power pad and each circuit element constant,

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relative to the voltage drop for predominantly all of the circuit elements in the integrated circuit.

13. An integrated circuit as claimed in claim 1, wherein the decoupling cells are configured to selectively couple each of said given circuit elements to maintain combined distance constant among predominantly all of the circuit elements.

14. For supplying power to a plurality of circuit elements on an integrated circuit, a power distribution network comprising:

a power pad;

a ground pad;

a network of conductors to connect the power pad and the ground pad to each of the plurality of circuit elements; and

a plurality of decoupling cells for providing a static current flow between the power pad and the ground pad, and wherein each given circuit element is arranged with a combined distance equal to a sum of a length of the conductors connected between the power pad and said circuit element plus a length of the conductors connected between the ground pad and said circuit element, and each of the combined distances being equal.

15. The power distribution network of claim 14, wherein the decoupling cells maintain the constant combined distance for a circuit element by connecting the conductors to the circuit element to decrease the distance between the circuit element and one of the power pad and the ground pad in a manner that is complementary to an increased distance between the circuit element and the other one of the power pad and the ground pad.

16. The power distribution network of claim 14, wherein the decoupling cells maintain the constant combined distance for a circuit element by connecting the conductors to the circuit element to increase the distance between the circuit element and one of the power pad and the ground pad in a manner that is complementary to a decreased distance between the circuit element and the other one of the power pad and the ground pad.

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17. The power distribution network of claim 14, wherein the decoupling cells maintain a static current between the power pad and the ground pad by connecting the circuit elements via the conductors.
18. The power distribution network of claim 14, wherein a plurality of the decoupling cells are arranged to provide current flow to a particular one of the circuit elements and therein partly defining the combined distance for the particular one of the circuit elements.
19. An integrated circuit as claimed in claim 1, wherein a plurality of the decoupling cells are arranged to provide current flow to a particular one of the circuit elements and therein partly defining the combined distance for the particular one of the circuit elements.
20. An integrated circuit as claimed in claim 1, wherein at least one of the decoupling cells is arranged to provide current flow to at least two of the circuit elements and therein partly defining the combined distance for the at least two of the circuit elements.

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APPENDIX OF EVIDENCE

Appellant is unaware of any evidence submitted in this application pursuant to 37 C.F.R. §§ 1.130, 1.131, and 1.132.

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APPENDIX OF RELATED PROCEEDINGS

As stated in Section II above, Appellant is unaware of any related appeals, interferences or judicial proceedings.